

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

WASEEM DAKER,
Plaintiff

v.

NATIONAL BROADCASTING CORPORATION (NBC),
ANDREA CANNING
ADRIENNE WHEELER
JESSE DAVID EVANS

X CASE NO.

X

X

X

X

X

DIVERSITY COMPLAINT

28 U.S.C. § 1332

X

X

I. INTRODUCTION

1. COMES NOW WASEEM DAKER, PLAINTIFF ABOVE-STYLED, AND BRINGS THIS DIVERSITY COMPLAINT AGAINST DEFENDANTS FOR THE TORT OF SLANDER OR ORAL DEFAMATION UNDER OCGA § 51-5-4(9)(1) AND (6), OFFICIAL CODE OF GEORGIA ANNOTATED ("OCGA").

II. JURISDICTION AND VENUE

2. JURISDICTION OVER THIS CASE IS VESTED IN THIS COURT PURSUANT TO 28 U.S.C. § 1332(9)(1).

3. VENUE IS PROPER IN THIS DISTRICT PURSUANT TO 28 U.S.C. § 1391(b)(1) BECAUSE DEFENDANT NBC IS HEADQUARTERED AND REGISTERED IN THIS DISTRICT AND BECAUSE DEFENDANTS CANNING AND WHEELER RESIDE IN THIS DISTRICT.

DECLARATION UNDER PENALTY OF PERJURY

YOU MUST DECLARE UNDER PENALTY OF PERJURY THAT THE ANSWERS YOU HAVE GIVEN IN THE ATTACHED MOTION/AFFIDAVIT FORM ARE TRUE AND CORRECT. GIVING A FALSE ANSWER OR FALSE INFORMATION IN RESPONSE TO ANY QUESTION WILL SUBJECT YOU TO FEDERAL PERJURY CHARGES. 18 U.S.C. § 1621 PROVIDES AS FOLLOWS:

Whoever -

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 or title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined not more than \$2,000 or imprisoned not more than five years or both. This section is applicable whether the statement or subscription is made within or without the United States.

Understanding the above, I declare under penalty of perjury that the foregoing answers and information provided by me in support of my request to proceed in forma pauperis are true and correct.

Executed this

day of

, 20

(Signature of Plaintiff)

4. VENUE IS PROPER IN THIS DISTRICT PURSUANT TO 28 U.S.C. § 1391(b)(2) BECAUSE A SUBSTANTIAL PART OF THE EVENTS GIVING RISE TO THIS ACTION OCCURRED WITHIN THIS DISTRICT.

III. PARTIES

5. PLAINTIFF IS WASEEM DAHER, A RESIDENT OF THE STATE OF FLORIDA AND WHO INTENDS TO RESIDE IN THE STATE OF FLORIDA UPON HIS RELEASE FROM CONFINEMENT, SMITH v. CUMMINGS, 445 F.3d 1254, 1268 (11th Cir. 2006); JONES v. ST. TAMMANY PARISH JAIL, 4 F.Supp.2d 606, 609 (E.D.La. 1998). PLAINTIFF IS CURRENTLY INCARCERATED IN THE GEORGIA DEPARTMENT OF CORRECTIONS, AND MAY BE SERVED VIA MAIL: WASEEM DAHER, #901373, G.S.P., 300 1ST AVE S, REIDSVILLE, GA 30453.

6. DEFENDANT NATIONAL BROADCASTING CORPORATION (HEREINAFTER "NBC") IS A CORPORATION HEADQUARTERED IN, REGISTERED IN, DOES BUSINESS IN, AND BROADCASTS FROM WITHIN THIS DISTRICT AND IN THE STATE OF NEW YORK. DEFENDANT ANDREA CANNING IS A REPORTER FOR NBC DATELINE. DEFENDANT ADRIENNE WHEELER IS A PRODUCER FOR NBC DATELINE. DEFENDANTS NBC, CANNING, AND WHEELER MAY ALL BE SERVED AT: NBC, 30 ROCKEFELLER PLAZA, NEW YORK, NY 10012. PLAINTIFF BELIEVES THAT DEFENDANTS CANNING AND WHEELER RESIDE IN THIS DISTRICT.

7. DEFENDANT JESSE DAVID EVANS IS BELIEVED TO BE A RESIDENT OF THE STATE OF GEORGIA. PLAINTIFF CURRENTLY DOES NOT KNOW DEFENDANT EVANS'S ADDRESS OF RESIDENCE.

If the answer to any of the above is yes, describe each source of money received and state the amount received from each during the past TWELVE (12) MONTHS.

3. Do you have any cash, or do you have money in a checking, savings, or prison account? (You must attach a certificate from prison authorities if you have money in a prison account).

☐ Yes

☐ No

If yes, how much do you have?

\$

4. Do you own any real estate (house and/or property), stocks, bonds, notes, auto-mobiles, or other valuable property, excluding ordinary household goods and furnishings? ☐ Yes ☐ No

a. If the answer is yes, describe the property and state its approximate value.

b. If the answer is yes, list any mortgages, liens, or loans against the property and state the amount you owe.

5. List the persons who are dependent upon you for their support. State your relationship to those persons and indicate how much you contribute toward their support.

Signed this

day of

, 20

(Signature of Plaintiff)

IV. STATEMENT OF FACTS

8. ON ~~NOV~~ JANUARY 15, 2010, PLAINTIFF WAS ARRESTED ON A COBB COUNTY, GEORGIA, ARREST WARRANT CHARGING HIM WITH MALICE MURDER, FELONY MURDER, BURGLARY, AGGRAVATED STALKING, AND AGGRAVATED ASSAULT (TWO COUNTS), ALL ALLEGED TO HAVE OCCURRED ON OCTOBER 23, 1995. ON APRIL 1, 2010, PLAINTIFF WAS ~~MANU~~ INDICTED BY A GRAND JURY ON THE FOLLOWING OFFENSES: MALICE MURDER, FELONY MURDER, BURGLARY, AGGRAVATED ASSAULT, AGGRAVATED BATTERY, FALSE IMPRISONMENT, AND ~~TO COMMIT~~ ^{CRIMINAL ATTEMPT} ~~TO COMMIT~~ ~~TO COMMIT~~ AGGRAVATED STALKING. ON SEPTEMBER 28, 2012, A JURY CONVICTED PLAINTIFF ON ALL COUNTS, AND ON OCTOBER 1, 2012, THE TALMADGE COURT SENTENCED HIM TO LIFE PLUS 47 AND A HALF YEARS. PLAINTIFF HAS APPEALED HIS CONVICTION TO THE GEORGIA SUPREME COURT. SAID APPEAL WAS DOCKETED IN THE GEORGIA SUPREME COURT ON OCTOBER 31, 2014 AND IS PENDING. WASEEM DAKER V. STATE, APPEAL NO. S15A0326.

9. DURING PLAINTIFF'S TRIAL, THE STATE INTRODUCED TESTIMONY OF LORETTA SPENCER BLATZ, WHO ACCUSED PLAINTIFF OF STALKING HER, THREATENING HER, HARASSING HER, ASSAULTING HER, AND BURGLARIZING HER.

10. THE ABOVE ALLEGATIONS ARE STATED AS BACKGROUND INFORMATION WHICH PRE-DATED THE EVENTS COMPLAINED OF HEREIN. PLAINTIFF IS APPEALING HIS CONVICTION. HE DOES NOT CHALLENGE HIS CONVICTION VIA THIS ACTION. THIS ACTION WILL NOT HAVE ANY EFFECT, COLLATERAL OR OTHERWISE ON PLAINTIFF'S CONVICTION. THUS, THIS ACTION IS NOT BARRED BY HECK V. HUMPHREY, 512 U.S. 47 (1994).

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
DIVISION

CIVIL ACTION NO:

MOTION TO PROCEED

WITHOUT PREPAYMENT OF FEES

AND AFFIDAVIT

(Plaintiff/Petitioner)

VS.

(Defendant(s)/Respondent(s))

I, _____, being first duly sworn, depose and say that I am the plaintiff in the above-entitled case. As such, I motion to the Court to be allowed to proceed without the requirement to pre-pay fees or costs or give security due to my poverty which results in my inability to pay the costs of said proceeding or to give security. For this reason, I believe I am entitled to redress.

I further declare that the responses which I make to the questions and instructions below are true.

1. Are you presently employed? ☐ Yes ☒ No

a. If the answer is yes, state the amount of your salary or wages per month and

give the name and address of your employer:

b. If the answer is no, state the date you last worked and the amount of salary

or wages per month which you received.

2. Have you received within the past TWELVE (12) months any money from any of the following sources?

a. Business, profession, or form of self employment? ☐ Yes ☒ No

b. Pension, annuities, or life insurance payments? ☐ Yes ☒ No

c. Rent payments, interest, or dividends? ☐ Yes ☒ No

d. Gifts or inheritances? ☐ Yes ☒ No

e. Any other sources? ☐ Yes ☒ No

11. IN APRIL 2013, MS. BLATZ PROVIDED AFFIDAVITS SWORN UNDER OATH IN WHICH SHE RECOUNTED THE ALLEGATIONS SHE MADE AGAINST PLAINTIFF. MS. BLATZ ALSO STATED THAT SHE NOW BELIEVED PLAINTIFF TO BE INNOCENT.

12. IN OCTOBER 2013, MS. BLATZ GAVE AN INTERVIEW WITH DEFENDANT ANDREA CANNING OF NBC DATELINE IN WHICH SHE RECOUNTED THE ALLEGATIONS SHE MADE AGAINST PLAINTIFF. MS. BLATZ ALSO STATED THAT SHE NOW BELIEVED PLAINTIFF TO BE INNOCENT, AND THAT SHE WAS ASSISTING PLAINTIFF WITH LEGAL RESEARCH AND OTHER LOGISTICAL SUPPORT, AND THAT SHE HAD OFFERED FINANCIAL SUPPORT.

13. ON NOVEMBER 29, 2013, NBC BROADCAST AN EPISODE OF NBC NEWS DATELINE PRODUCED BY DEFENDANT ADRIENNE WHEELER AND REPORTED BY DEFENDANT ANDREA CANNING. DURING SAID EPISODE, DEFENDANTS COLLECTIVELY BROADCAST AN INTERVIEW OF JESSE ~~WHEELER~~ DAVID EVANS BY CANNING IN WHICH BOTH CANNING AND EVANS FALSELY IMPUTE TO PLAINTIFF THE COMMISSION OF CRIMES WHICH HE DID NOT COMMIT, WITH WHICH HE HAS NEVER BEEN CHARGED, AND OF WHICH HE HAS NEVER BEEN CONVICTED.

14. FIRST, DEFENDANTS ~~WHEELER~~ FALSELY IMPUTED TO PLAINTIFF THE COMMISSION OF THE CRIME OF INFLUENCING A WITNESS IN VIOLATION OF OFFICIAL CODE OF GEORGIA ANNOTATED ("O.C.G.A.") § 16-10-93, FOR ALLEGEDLY INFLUENCING BLATZ'S RECOUNTINGS.

15. SECOND, DEFENDANTS FALSELY IMPUTED TO PLAINTIFF THE COMMISSION OF THE CRIMES OF SUBORNATION OF PERJURY
(9)

PLEASE ATTACH A COMPUTER PRINTOUT OF THE ACCOUNT AVAILABLE

RE: _____
(Plaintiff)

(Prisoner Number)

RETURN TO:
GREGORY J. LEONARD, CLERK
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
P.O. BOX 128
MACON, GEORGIA 31202

ACCOUNT CERTIFICATION

I hereby certify that the plaintiff/petitioner named herein above has an average monthly balance for the last six (6) months of \$ _____ in account to his/her credit at the institution where he/she is confined. I further certify that the plaintiff/petitioner likewise has the following securities to his/her credit according to the records of this institution: _____

(If not confined for a full six (6) months, specify the number of months confined, then compute the average monthly balance based on that number of months): _____

PRESENT BALANCE ON HAND IN PRISONER ACCOUNT: \$ _____, 20____ day of _____

(Authorized Officer of Institution)

(Title)

OR FALSE SWEARING IN VIOLATION OF OCCA § 16-10-72; PARTY TO THE CRIME OF PERJURY ~~IN~~ IN VIOLATION OF OCCA § 16-10-70; PARTY TO THE CRIME OF FALSE STATEMENTS AND WRITINGS IN VIOLATION OF OCCA § 16-10-20; AND PARTY TO THE CRIME OF FALSE SWEARING IN VIOLATION OF OCCA § 16-10-71.

16. THIRD, DEFENDANTS FALSE IMPUTED TO PLAINTIFF THE ACTS OF CONNING OR DECEIVING MS. BLATZ FOR FINANCIAL SUPPORT, FALSE IMPUTING TO HIM THE CRIMES OF THEFT BY DECEPTION IN VIOLATION OF OCCA § _____ AND MAIL FRAUD IN VIOLATION OF 18 USC § _____.

17. FOURTH, DEFENDANTS ALSO FALSELY ~~IMM~~ ACCUSED PLAINTIFF OF HAVING THE CHARACTERISTICS OF AND BEING A "PSYCHOPATH," BEING "UNABLE TO HAVE COMPASSION FOR OTHERS," AND BEING A "BRILLIANTLY SCARY INDIVIDUAL," ALL OF WHICH ARE FALSE.

18. PLAINTIFF HAS NOT COMMITTED, BEEN CHARGED WITH, OR BEEN CONVICTED OF ANY OF THE CRIMES WHICH DEFENDANTS IMPUTED TO HIM ABOVE.

19. DEFENDANTS FALSE, SLANDEROUS, AND ORALLY DEFAMATORY STATEMENTS HAVE ALSO CAUSED PLAINTIFF DAMAGES IN SEVERAL WAYS. FIRST, SAID STATEMENTS HAVE CAUSED PLAINTIFF TO LOSE SOCIAL SUPPORT FOR HIS CLAIMS OF INNOCENCE.

20. SECOND, SAID STATEMENTS HAVE CAUSED NUMEROUS LAWYERS TO BE UNWILLING TO TAKE PLAINTIFF'S CRIMINAL

If the answer to any of the above is yes, describe each source of money received and state the amount received from each during the past TWELVE (12) MONTHS.

3. Do you have any cash, or do you have money in a checking, savings, or prison account? (You must attach a certificate from prison authorities if you have money in a prison account).

☐ Yes

☐ No

If yes, how much do you have?

\$

4. Do you own any real estate (house and/or property), stocks, bonds, notes, auto-mobiles, or other valuable property, excluding ordinary household goods and furnishings? ☐ Yes ☐ No

a. If the answer is yes, describe the property and state its approximate value.

b. If the answer is yes, list any mortgages, liens, or loans against the property and state the amount you owe.

5. List the persons who are dependent upon you for their support. State your relationship to those persons and indicate how much you contribute toward their support.

Signed this

day of

, 20

(Signature of Plaintiff)

APPEAL, OR TO REFUSE TO ASSIST OR REPRESENT HIM IN POST-CONVICTION MATTERS. PLAINTIFF HAS CONTACTED NUMEROUS LAWYERS WHO HAVE EITHER DECLINED HIS REQUESTS FOR REPRESENTATION AND/OR IGNORED HIS REQUESTS.

21. FURTHER, SAID BROADCAST HAS ALSO CAUSED ~~MAJOR~~ PLAINTIFF TO RECEIVE "HATE MAIL" FROM UNKNOWN PERSONS, AND WHICH HAS ALSO CAUSED HIM MENTAL OR EMOTIONAL INJURY.

V. ~~VERIFICATION~~ STATEMENT OF CLAIM.

22. PLAINTIFF CLAIMS THAT DEFENDANTS HAVE FALSELY IMPUTED TO HIM CRIMES, WHICH IS PER SE SLANDER OR ORAL DEFAMATION UNDER OGA § 51-5-4(9)(1).

~~2011~~

VI. RELIEF SOUGHT

23. PLAINTIFF SEEKS NOMINAL DAMAGES OF \$1100, FOR EACH ~~THE~~ FALSE, SLANDEROUS, AND DEFAMATORY STATEMENT.

24. PLAINTIFF SEEKS COMPENSATORY DAMAGES OF \$1,000,000.00, FOR SLANDER, ORAL DEFAMATION, AND INJURY TO REPUTATION.

25. PLAINTIFF SEEKS COMPENSATORY DAMAGES OF \$1,000,000.00, FOR MENTAL AND EMOTIONAL INJURY ARISING THEREFROM.

26. PLAINTIFF SEEKS PUNITIVE DAMAGES IN AN UNSPECIFIED AMOUNT.

27. PLAINTIFF SEEKS ~~APPROPRIATE~~ ^{APPROPRIATE} DECLARATORY RELIEF.

28. PLAINTIFF SEEKS COSTS OF PROSECUTING THIS ACTION.

29. PLAINTIFF SEEKS OTHER RELIEF THAT THE COURT DEEMS NECESSARY OR APPROPRIATE.

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CIVIL ACTION NO.:
MOTION TO PROCEED
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(Plaintiff/Petitioner)

VS.

(Defendant(s)/Respondent(s))

I, _____, being first duly sworn, depose and say that I am the plaintiff in the above-entitled case. As such, I motion to the Court to be allowed to proceed without the requirement to pre-pay fees or costs or give security due to my poverty which results in my inability to pay the costs of said proceeding or to give security. For this reason, I believe I am entitled to redress.

I further declare that the responses which I make to the questions and instructions below are true.

1. Are you presently employed? ☐ Yes ☐ No

a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

b. If the answer is no, state the date you last worked and the amount of salary or wages per month which you received.

2. Have you received within the past TWELVE (12) months any money from any of the following sources?

a. Business, profession, or form of self employment? ☐ Yes ☐ No

b. Pension, annuities, or life insurance payments? ☐ Yes ☐ No


c. Rent payments, interest, or dividends? ☐ Yes ☐ No

d. Gifts or inheritances? ☐ Yes ☐ No

e. Any other sources? ☐ Yes ☐ No

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY
OF PERJURY THAT THE ABOVE AND FOREGOING FACTS ARE TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE.

THIS 24 DAY OF NOVEMBER, 2014



WASEEM DAKEN

PLAINTIFF, PRO SE

#901373

G.S.P.

300 1ST AVE S

REDSVILLE, GA 30453

DECLARATION UNDER PENALTY OF PERJURY

YOU MUST DECLARE UNDER PENALTY OF PERJURY THAT THE ANSWERS YOU HAVE GIVEN IN THE ATTACHED MOTION/AFFIDAVIT FORM ARE TRUE AND CORRECT. GIVING A FALSE ANSWER OR FALSE INFORMATION IN RESPONSE TO ANY QUESTION WILL SUBJECT YOU TO FEDERAL PERJURY CHARGES. 18 U.S.C. § 1621 PROVIDES AS FOLLOWS:

Whoever -

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(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 or title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;

is guilty of perjury and shall, except as otherwise expressly provided by law, be fined not more than \$2,000 or imprisoned not more than five years or both. This section is applicable whether the statement or subscription is made within or without the United States.

Understanding the above, I declare under penalty of perjury that the foregoing answers and information provided by me in support of my request to proceed *in forma pauperis* are true and correct.

Executed this _____

day of _____

, 20____.

(Signature of Plaintiff)